

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HERSEL R. BRADLEY,

Plaintiff,

vs.

BENJAMIN MILLER, et al.

Defendants.

**4:20CV3134**

**MEMORANDUM  
AND ORDER**

On January 3, 2022, Plaintiff filed a motion (Filing 28) which the court construes as a motion to dismiss under Federal Rule of Civil Procedure 41(a)(2). Rule 41 provides in relevant part:

Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper.... Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

Fed. R. Civ. P. 41(a)(2).

Defendants state they do not object to Plaintiff's motion to dismiss, and will not be filing an itemized statement for reimbursement of reasonable attorney's fees associated with their motion for sanctions. (See Filing 29.)

In a Memorandum and Order entered on December 8, 2021 (Filing 27), the court gave Plaintiff 30 days to file a signed certificate of service of his responses to Defendants' discovery requests, upon failure of which the case would be dismissed with prejudice. In light of Defendants' response to Plaintiff's motion, however, the court will permit a voluntary dismissal without prejudice.

**IT IS THEREFORE ORDERED:**

1. Plaintiff's motion to dismiss (Filing 28) is granted, and this action is dismissed without prejudice.

2. Judgment shall be entered by separate document.

Dated this 25th day of January 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge